



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING & DEVELOPMENT**

Project Number: 3012560 and 3012563
Applicant Name: Jodi Patterson O'Hare for City Investors XX LLC
Address of Proposal: 515 Westlake Ave N and 500 9th Ave N

SUMMARY OF PROPOSED ACTION

Land Use Application to allow two, six story office buildings (totaling 377,000 sq. ft.) with a pedestrian connection at the 3rd and 4th levels with 15,000 sq. ft. of retail at grade. Parking for 534 vehicles to be located below grade, accessed from the alley. Review includes demolition of existing structures (8,430 sq. ft.) Project includes an alley vacation. Related project under #3012560 at 515 Westlake Avenue North.

The following Master Use Permit components are required:

Design Review Departures (SMC Chapter 23.41)

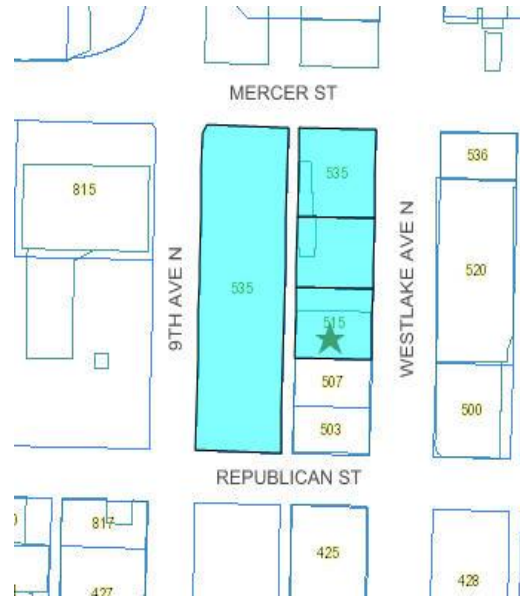
- Development Standard Departure to allow more than the maximum permitted setback on Class 1 Pedestrian Streets (Westlake Avenue North). (SMC 23.48.014.C)
- Development Standard Departure to allow more than the maximum permitted setback for structures not located on Class 1 Pedestrian Streets (Mercer Street, 9th Avenue North, and Republican Street). (SMC 23.48.014.D)
- Development Standard Departure to allow blank facades wider than 15' on Class 1 (Westlake Avenue North) and Class 2 (Mercer and Republican) streets. (SMC 23.48.018.B.2)
- Development Standard Departure to allow more than 30% hardscape in required landscaped setbacks (Mercer and Republican Streets, and 9th Avenue North). (SMC 23.48.024.A.2)

SEPA-Environmental Determination (Chapter 25.05 SMC)

SEPA Determination: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS
 ☒ MDNS with conditions
 ☐ DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction.

Current Development:

The site includes most of a block on both sides of an alley, with the exception of two parcels in the southeast corner of the block. The block is bounded by Westlake Ave N, Mercer St, 9th Ave N, and Republican St, and is located approximately one block south of Lake Union. One early 20th century two-story building is located on a parcel at Westlake Ave N. The other parcels in this development site are occupied by surface parking lots.



Access:

Existing vehicular access is via curb cuts on Republican St and Westlake Ave N, and via the alley. Existing pedestrian access to the building is from the sidewalk at Westlake Ave N.

Surrounding Development and Neighborhood Character:

The surrounding development is a mix of uses and age of structures. Two early 20th-century commercial buildings are located on the southeast parcels of this block.

Nearby development includes commercial, institutional, and residential structures, ranging from older 1-2 story commercial structures to newer 5-6 story mixed-use and commercial structures. Some historic landmarks are located within a few blocks in each direction.

Recreational opportunities include Lake Union to the north and Cascade Playground a few blocks to the east.

The area offers frequent transit service, including the South Lake Union Streetcar adjacent to the site and several nearby bus routes.

ECAs:

No Environmentally Critical Areas are on or adjacent to the property.

EARLY DESIGN GUIDANCE MEETING: June 6, 2012

DESIGN PRESENTATION

The EDG packet includes materials presented at the EDG meeting, and is available online by entering the project number(s) (3012560 and 3012563) at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

The EDG packet is also available to view in the 3012560 and 3012563 file, by contacting the Public Resource Center at DPD:

Mailing Public Resource Center
Address: 700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Email: PRC@seattle.gov

The applicant noted that they are also requesting an alley vacation to relocate the alley to connect to Westlake Ave N.

The site offers the opportunity for a gateway from Lake Union into the South Lake Union neighborhood via Westlake Ave N.

Increased bicycle use is anticipated along 9th Avenue N, as well as pedestrian and streetcar activity functions at Westlake Ave N. Vehicular access to the site is from the alley near Republican St, with loading at the south building and access to loading via freight elevators to the bridges to the north building.

The three options were based on various alley vacation considerations, as well as stepping the mass with grade which requires a step down of a story near the middle of the site. The preferred alley configuration would maximize the continuity with other nearby mid-block pedestrian connections.

The mid-block pedestrian connection would include wider entry points at the north and south end, with a series of stepped terraces through the connection, and a roof structure between the north and south buildings to create weather protection above the connection. The intent of the parasol would be to provide visual interest and diffuse light penetration, as well as weather protection.

The ‘social spaces’ such as meeting rooms and break rooms could be located at the edges of the site to activate the sidewalks on adjacent street frontages, in addition to retail street frontage on Westlake Ave N. Building entries would be located on the street frontages and in the mid-block connection. The applicant noted that 9th Ave N may be set back at the ground floor to provide additional pedestrian areas and opportunity for differentiated treatment at the sidewalk level. Clarification: While the EDG packet mentions potential phasing, the proposed development does not involve a phasing plan.

PUBLIC COMMENT

Approximately 8 members of the public signed in at this Early Design Review meeting. Comments and questions included the following:

- Support for the alley and the pedestrian connection to break down the scale of the building.
- The lobby size should be the minimum necessary to function, because these spaces are mostly empty and don’t provide human activity for the street level; would rather see cubicles or any activity rather than empty lobby space.

- Would like to see the two buildings have a different architectural character to break down the scale.
- The west façade should be visually broken up.
- Westlake is an important street for the neighborhood and a curb cut/alley entry may be better on 9th Ave N due to lack of activity.
- Retail could be difficult on 9th Ave N, if that's considered.
- The building is blocky; the design should include shaping of the mass. Setting back the ground floor may help, as well as articulation, and shaping of the corners. Focus on the pedestrian perspective.

INITIAL RECOMMENDATION MEETING: November 7, 2012

The packet includes materials presented at the Recommendation meeting, and is available online by entering the project number (3012560 and 3012563) at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

or contacting the Public Resource Center at DPD:

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Seattle, WA 98124

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The applicant noted that the proposed street level materials include wood and Cor-Ten steel for greater visual interest, and the upper levels include precast concrete, metal, and glass curtain wall. EDG The floor plan has been modified since the EDG to provide retail at the northwest and northeast corners to activate the street frontages. The southeast corner is anticipated to include office related uses such as a dining room for employees. The mid-block connection bridges have been reduced since EDG, to be two stories tall instead of three stories tall. This allows an extra story of clearance between the mid-block connection walking surface and the bridges above.

Several 3.5-4" caliper trees would be used at the inset area on the north frontage to soften and create a visual break in the façade. A rooftop garden would be located on the south building.

Trash and recycling would be located beneath a building overhang at the proposed new alley.

PUBLIC COMMENT

The following comments, issues and concerns were raised:

- A mid-block crosswalk should connect the mid-block crossing at this site to the mid-block crossing on the block to the west.
 - DPD clarified that this is within the purview of Seattle Department of Transportation. The Board can offer opinions, but they can't recommend any conditions related to this item.

- If a mid-block crosswalk is not provided, the landscape plan should be designed to discourage people from crossing 9th Ave N mid-block.
- Appreciation for the proposed design of the street level planting, the mid-block connection design, and the design's responsiveness to nearby context.

FINAL RECOMMENDATION MEETING: January 16, 2013

The presentation and materials shown in the November 7, 2012 Recommendation meeting did not include the request for several required departures. Therefore, an additional Recommendation meeting was required to present the departures to the Design Review Board for recommendation.

The packet includes materials presented at the Recommendation meeting, and is available online by entering the project number (3012560 and 3012563) at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

or contacting the Public Resource Center at DPD:

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PUBLIC COMMENT

- No public comment was offered at this meeting.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

EARLY DESIGN GUIDANCE (JUNE 6, 2012):

1. **Preferred massing option:** (A-1, B-1, D-8)
 - a. The Board noted that the analysis essentially includes only one option, since it's the one related to the proposed alley vacation. The other options don't relate to the proposed alley vacation configuration.
 - b. Guidance: The Board was satisfied with the preferred massing option, but the alley exit to Westlake should be designed for pedestrian safety and activation of the Westlake Ave street frontage.

2. Alley exit at Westlake:

- a. At the Recommendation meeting, the applicant will need to demonstrate adequate vehicular exiting at alley exit to Westlake and create pedestrian safety (mirrors, paving changes, etc.) (A-4, A-8, D-8)
- b. The Westlake street frontage should be designed to maximize human activity, retail street frontage, and pedestrian safety (A-2, A-4)

3. 9th Ave N frontage:

- a. The design of this façade needs to include significant design moves to break down the appearance of the long façade and to respond to the human scale. (B-1, A-4, C-3)
- b. This street frontage should be designed to enhance human activity at the street level. The applicant needs to clearly demonstrate how the proposed street level building program on 9th Ave N will meet this guidance. (A-4)

4. The mid-block crossing:

- a. The location and design should be designed to respond to the UW mid-block crossing to the west. (A-2, C-1, D-1)
- b. The Board would like to see a lighting plan at Recommendation stage, demonstrating the connection will be safe, well lit, and include maximum natural lighting with supplementary lighting strategies as needed. (D-1, D-7, D-10)
- c. Orientation of retail to the pedestrian connection is problematic; consider using the retail spaces to activate the street frontages and draw people into the mid-block crossing. (A-2, A-4, D-1)
- d. The corners of the building adjacent to the west end of the crossing should be eroded to enhance the connection with the UW Medicine mid-block crossing to the west. Consider transparent corners in this location. (A-4, D-1)
- e. The crossing should be designed to clearly appear public and not a private courtyard. (A-4, D-1)
- f. Design the connection to minimize wind tunnel effects and maximize pedestrian comfort. (D-1)

5. North façade on Mercer St:

- a. The Board noted this façade appears potentially problematic, due to the retail entries fronting on the pedestrian connection and the building turning its back on Mercer St. (A-3, D-1)
- b. The Mercer St façade should include a visible major pedestrian entry. (A-3, D-1)
- c. The use at that façade of meeting rooms is also potentially problematic, since these spaces are often unoccupied. The applicant should demonstrate how the street level facades will encourage an activated street frontage on Mercer St. (A-4)
- d. The design of this façade needs to include significant design moves to break down the appearance of the long façade and to create human scale. (B-1, A-4, C-3)

INITIAL RECOMMENDATIONS (NOVEMBER 7, 2012):

1. Alley exit at Westlake:

- a. The Board recommended a condition to modify the design of the proposal near the alley exit at Westlake, through mirrors mounted on the building, visual alert systems for vehicles approaching the sidewalk from the alley, or other design techniques to increase pedestrian safety. (A-4, A-8, D-8)
- b. The Board would support placement of a bollard, textured paving, a stop sign, a speed bump or other technique to improve pedestrian safety at the south edge of the alley adjacent to Westlake Ave N. The Board was particularly concerned about the right-out exiting traffic, and the potential impact to pedestrian safety. The Board noted that the design of the alley is within the purview of SDOT, and they cannot recommend Design Review conditions for this item. (A-4, A-8, D-8)

2. 9th Ave N (west) and Mercer Street (north) facades: (B-1, A-4, C-3)

- a. The Board appreciated the response and the demonstration of how the massing responds to context.
- b. The Board supported the additional break in the façade (the option shown in the model and graphics of the presentation).
- c. The Board noted that the solar screens and fins help to further articulate the façade.
- d. The Board appreciated the use of framing to create pedestrian scale at the northwest corner, where the retail corner includes taller ceiling heights.

3. The mid-block crossing: (A-2, C-1, D-1, D-7)

- a. The Board was satisfied with the design of the mid-block crossing.
- b. The Board supported a crosswalk between this site and the mid-block crossing to the west, but noted that this is within the purview of Seattle Department of Transportation.

4. Materials:

- a. The Board was concerned that the NE and SE corners could appear monolithic with the spandrel in the same tone as the vision glass, but noted that sunshades on the south and west will help to articulate the glassy areas. The Board was satisfied with the proposed material palette. (B-1, C-2, C-3)
- b. The Board noted the weathered copper provides a patina that helps to break down the mass, and the painted finishes should only be used in the framing or field panels. (B-1, C-2, C-3)

FINAL RECOMMENDATIONS (JANUARY 16, 2013):

The Board discussed the proposed departures and recommended the departures and conditions, as described, following the Design Review Guidelines section.

DESIGN REVIEW GUIDELINES

The Board identified the following Citywide Design Guidelines of highest priority for this project. The South Lake Union (SLU) neighborhood-specific guidelines are summarized below. The full text of the guidelines is available on the City of Seattle Department of Planning and Development website.

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

SLU-specific supplemental guidance:

- Encourage provision of “outlooks and overlooks” for the public to view the lake and cityscapes. Examples include provision of public plazas and/or other public open spaces and changing the form or facade setbacks of the building to enhance opportunities for views.
- Minimize shadow impacts to Cascade Park.
- New development is encouraged to take advantage of site configuration to accomplish sustainability goals. The Board is generally willing to recommend departures from development standards if they are needed to achieve sustainable design. Refer to the Leadership in Energy and Environmental Design*(LEED) manual which provides additional information. Examples include:
 - Solar orientation
 - Storm water run-off, detention and filtration systems
 - Sustainable landscaping
 - Versatile building design for entire building life cycle

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

SLU-specific supplemental guidance:

The vision for street level uses in South Lake Union is a completed network of sidewalks that successfully accommodate pedestrians. Streetscape compatibility is a high priority of the neighborhood with redevelopment. Sidewalk-related spaces should appear safe, welcoming and open to the general public.

- Provide pedestrian-friendly streetscape amenities, such as: tree grates; benches; lighting.
- Encourage provision of spaces for street level uses that vary in size, width, and depth. Encourage the use of awnings and weather protection along street fronts to enhance the pedestrian environment.
- Where appropriate, consider a reduction in the required amount of commercial and retail space at the ground level, such as in transition zones between commercial and residential areas. Place retail in areas that are conducive to the use and will be successful.

- Where appropriate, configure retail space so that it can spill-out onto the sidewalk (retaining six feet for pedestrian movement, where the sidewalk is sufficiently wide).

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

SLU-specific supplemental guidance:

- Create graceful transitions at the streetscape level between the public and private uses.
- Keep neighborhood connections open, and discourage closed campuses.
- Design facades to encourage activity to spill out from business onto the sidewalk, and vice-versa.
- Reinforce pedestrian connections both within the neighborhood and to other adjacent neighborhoods. Transportation infrastructure should be designed with adjacent sidewalks, as development occurs to enhance pedestrian connectivity.
- Reinforce retail concentrations with compatible spaces that encourage pedestrian activity.
- Create businesses and community activity clusters through co-location of retail and pedestrian uses as well as other high pedestrian traffic opportunities.
- Design for a network of safe and well-lit connections to encourage human activity and link existing high activity areas.

A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.

B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.

SLU-specific supplemental guidance:

- Address both the pedestrian and auto experience through building placement, scale and details with specific attention to regional transportation corridors such as Mercer, Aurora, Fairview and Westlake. These locations, pending changes in traffic patterns, may evolve with transportation improvements.

- Encourage stepping back an elevation at upper levels for development taller than 55 feet to take advantage of views and increase sunlight at street level. Where stepping back upper floors is not practical or appropriate other design considerations may be considered, such as modulations or separations between structures.
- Relate proportions of buildings to the width and scale of the street.
- Articulate the building facades vertically or horizontally in intervals that relate to the existing structures or existing pattern of development in the vicinity.
- Consider using architectural features to reduce building scale such as: landscaping; trellis; complementary materials; detailing; accent trim.

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

SLU-specific supplemental guidance:

- Support the existing fine-grained character of the neighborhood with a mix of building styles.
- Re-use and preserve important buildings and landmarks when possible.
- Expose historic signs and vintage advertising on buildings where possible.
- Respond to the history and character in the adjacent vicinity in terms of patterns, style, and scale. Encourage historic character to be revealed and reclaimed, for example through use of community artifacts, and historic materials, forms and textures.
- Respond to the working class, maritime, commercial and industrial character of the Waterfront and Westlake areas. Examples of elements to consider include: window detail patterns; open bay doors; sloped roofs.
- Respond to the unique, grass roots, sustainable character of the Cascade neighborhood. Examples of elements to consider include: community artwork; edible gardens; water filtration systems that serve as pedestrian amenities; gutters that support greenery.

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

SLU-specific supplemental guidance:

- New developments are encouraged to work with the Design Review Board and interested citizens to provide features that enhance the public realm, i.e. the transition zone between private property and the public right of way. The Board is generally willing to consider a departure in open space requirements if the project

proponent provides an acceptable plan for features such as: curb bulbs adjacent to active retail spaces where they are not interfering with primary corridors that are designated for high levels of traffic flow; pedestrian-oriented street lighting; street furniture.

D-5 Visual Impacts of Parking Structures. The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.

D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

SLU-specific supplemental guidance:

- Enhance public safety throughout the neighborhood to foster 18-hour public activity. Methods to consider are: enhanced pedestrian and street lighting; well-designed public spaces that are defensively designed with clear sight lines and opportunities for eyes on the street; police horse tie-up locations for routine patrols and larger event assistance.

D-8 Treatment of Alleys. The design of alley entrances should enhance the pedestrian street front.

D-10 Commercial Lighting. Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departures is based upon the departure's potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departures.

- 1. General Façade Requirements (23.48.014.C):** The Code requires a maximum setback of 0' for at least 70% of the façade length on Class 1 Pedestrian Streets (Westlake Ave N). The applicant proposes to place 13.5% of the façade length at the property line (0') facing Westlake Ave N.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-2, A-4, C-3, and D-1 by enhancing the mid-block pedestrian connection, increasing pedestrian safety near the alley exit, and providing additional sidewalk area near the building entry, the streetcar stop and retail spaces allowing for retail overflow space.

The Board unanimously recommended that DPD grant the departure, subject to the following condition:

If the proposed nana-doors shown along the retail spaces along Westlake Ave North are eliminated due to the retail tenant build-out, then large, transparent glass windows should be provided along with pedestrian seating, bike racks and/or other pedestrian amenities.

2. General Façade Requirements (23.48.014.D): The Code requires a maximum street-level setback of 12' for structures not located on Class 1 Pedestrian streets, with landscaping in the area of setback (Mercer Street, 9th Avenue North, and Republican Street). The applicant proposes to exceed the 12' set back maximum in various areas on these three street frontages.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-1, A-2, A-4, C-3, and D-1 by encouraging human activity near building entries and the mid-block connection, providing usable pedestrian areas at grade, and creating visual interest with modulation.

The Board was pleased with the enhanced transparency and access created by the increased setbacks and unanimously recommended that DPD grant the requested departure.

3. Blank Façade Limits (23.48.018.B.2): The Code limits blank facades to 15' wide on Class 1 (Westlake Ave N) and Class 2 (Mercer and Republican) streets, unless the façade is enhanced with architectural detailing, artwork, landscaping, or other similar features. The applicant proposes a 27' wide blank façade on Republican Street.

This Board disagreed that the proposed wall treatment would provide sufficient visual interest, particularly at the pedestrian level. Therefore, per the Design Guidelines that address the issues of Human Activity (A-4) and Blank Walls (D-2), the Board unanimously recommended in favor of the proposed departure subject to the following condition:

The section of blank wall along the south façade (Republican Street) should include artwork that provides visual interest and relief at eye level to activate the pedestrian experience.

4. Screening and Landscaping (23.48.024.A.2): The Code requires a maximum of 30% hardscape in required landscape areas. The applicant proposes to exceed the maximum hardscape in landscaped setbacks on Mercer St (48% hardscape), 9th Ave N (60.5% hardscape), and Republican St (51% hardscape). The varied setbacks and areas of landscaping are documented on the Final Recommendation packet.

This departure would provide an overall design that would better meet the intent of Design Review Guideline A-4, D-1 and E-2 by providing wider sidewalks and covered pedestrian areas near building entries, retail uses and streetcar stop.

The Board agreed that the southwest corner of the site would benefit from further activation and pedestrian amenities given the desirable solar exposure of this location and unanimously recommended that DPD grant the departure, subject to the following condition:

The southwest corner of the site should include additional pedestrian seating.

BOARD RECOMMENDATION

The recommendation summarized below was based on the design review packet dated January 16, 2013, and the materials shown and verbally described by the applicant at the January 16, 2013 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the three Design Review Board members recommended **APPROVAL** of the subject design and departures, with the following recommended conditions:

1. If the proposed nana-doors shown along the retail spaces along Westlake Ave North are eliminated due to the retail tenant build-out, then large, transparent glass windows shall be provided along with pedestrian seating, bike racks and/or other pedestrian amenities. (A-2, A-4, C-3, D-1)
2. The section of blank wall along the south façade (Republican Street) shall include artwork that provides visual interest and relief at eye level to activate the pedestrian experience. (A-4, D-2)
3. The southwest corner of the site shall include additional pedestrian seating. (A-4, D-1, E-2)

DECISION – DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED** subject to the conditions listed below.

SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated August 1, 2012. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans and any additional information in the file, and pertinent comments which may have been received regarding this proposed action have been considered.

As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for most of the impacts and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665). Further discussion and mitigation of some impacts is warranted, as listed below.

Short Term Impacts

Air

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demands created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short term impacts generated from the embodied emissions results in increases in carbon dioxide and other greenhouse gases thereby impacting air quality and contributing to climate change and global warming. While these impacts are adverse they are not expected to be significant. The other types of emissions are considered under the use-related impacts discussed later in this document. SEPA conditioning is not necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675.A.

Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. There are no residential uses on any of the blocks surrounding the project site.

The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends. If extended construction hours are desired, the applicant may seek approval from DPD through a Noise Variance request. The applicant's environmental checklist states that extended hours are not anticipated. The limitations stipulated in the Noise Ordinance are sufficient to mitigate noise impacts; therefore no additional SEPA conditioning is necessary to mitigation noise impacts.

Construction Parking and Traffic

During construction, parking demand is expected to increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities. There is little on-street parking in the immediate vicinity of the project to accommodate that demand.

Increased trip generation is also expected during the proposed demolition, grading, and construction activity. The immediate area is subject to traffic congestion during the PM peak hours on Westlake Avenue N and on Mercer Street, and large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted.

To mitigate construction parking impacts and other haul truck trip impacts, the applicant shall submit a Construction Haul Route and Construction Parking Plan for approval by Seattle Department of Transportation. This plan may include a restriction in the hours of truck trips to mitigate traffic impacts on nearby arterials and intersections. Evidence of this approved plan shall be provided to DPD prior to the issuance of demolition and building permits.

Long Term Impacts

Historic Preservation

The Department of Neighborhoods indicated that the existing structure on site is not likely to qualify for historic landmark status. Therefore, no mitigation is warranted for mitigation of potential historic landmarks.

As part of the environmental checklist a Cultural Resources Assessment (CRA) was prepared, which indicated that there are not previously recorded archaeological sites on or adjacent to the proposed project. However, the project is within the U. S. Government Meander Line buffer that marks the historic Lake Union shoreline – an area with the potential for discovery of pre-contact and early historic period resources. Accordingly, the CRA included an inadvertent discovery plan that is consistent with DPD Director's Rule 2-98 specifying actions if cultural resources are inadvertently discovered during excavation. If resources of potential archaeological significance are encountered during construction or excavation that Director's Rule requires the owner and/or responsible parties to:

- Stop work immediately and notify DPD (Planner name and phone #) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
- Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Consistent with the Director's Rule 2-98 requirements for mitigation of potential archaeological artifacts in the Meander Line Buffer and mitigation warranted by SMC 25.05.675.H, the following conditions will apply:

Prior to Issuance of Master Use Permits:

- The owner and/or responsible parties shall provide DPD with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

During Construction:

- If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
- Stop work immediately and notify DPD (Planner name and phone #) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.

- Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Parking and Traffic

As part of the environmental checklist, the project submitted a transportation impact analysis (“Block 93 515 Westlake Avenue N (DPD Project No. 301256) 500 9th Avenue (DPD Project No. 3012563) Transportation Impact Analysis” dated July 23, 2012).

The project is expected to generate a net total of 2,060 daily vehicle trips, with 291 net new AM Peak Hour trips and 280 net new PM Peak Hour trips. Level of service analysis was performed for nearby intersections. That analysis showed that the project is expected to add a small amount of delay at each of the study intersections, but is not expected to significantly affect their overall operation.

The project proposes to mitigate traffic impacts by implementing a Transportation Management Plan (TMP) consistent with DPD Director’s Rule 9-2010 prior to issuance of any certificate of occupancy for the project. The goal of the TMP would be to reduce single-occupant vehicle trips to 41 percent of all trips at the site. Key elements of the TMP would include:

- Provide a transportation coordinator to manage and promote the TMP.
- Install commuter information center in appropriate location.
- Unbundle parking charges from the tenant leases.
- Require tenant participation in the TMP.
- Conduct biennial surveys of TMP effectiveness and submit regular reports about TMP elements as required by the City of Seattle.
- Provide ride-match information.
- Provide reserved parking spaces for vanpools.
- Provide shower and locker facilities for commuters who walk or bike to work.
- Provide bike storage in an easily-accessible bicycle corral in a covered location with good lighting.

With implementation of the TMP, the project parking garage is expected to be sufficient to contain the peak parking demand for the project with little or no spillover parking.

The project will also mitigate traffic impacts by participating in the City of Seattle transportation mitigation program for South Lake Union as outlined in DPD Client Assistance Memo (CAM) 243. Pursuant to that mitigation payment system, the project proposes to pay a pro rata contribution of \$288,917 in order to help reduce project transportation impacts. This fee shall be paid prior to building permit issuance, consistent with DPD business rules.

With those mitigation measures, the project is not anticipated to cause significant adverse impacts to parking or traffic.

MITIGATED DETERMINATION OF NONSIGNIFICANCE

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Mitigated Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW [43.21C.030](#) (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- ☐ There is no comment period for this DNS.
- ☒ This MDNS is issued after using the optional DNS process in WAC [197-11-355](#) and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.
- ☐ This DNS is issued under WAC [197-11-340](#)(2); the lead agency will not act on this proposal for 14 days after the date of issuance of a DNS.

SEPA - CONDITIONS OF APPROVAL

Prior to Issuance of a Master Use Permit

1. The owner and/or responsible parties shall provide DPD with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

Prior to Issuance of a Demolition, Grading, or Building Permit

2. The applicant shall provide a copy of a Construction Haul Route and Construction Parking Plan, approved by Seattle Department of Transportation.

Prior to Issuance of a Building Permit

3. The applicant shall submit and have approved by DPD a Transportation Management Plan consistent with DPD Director's Rule 9-2010.
4. The applicant shall make a pro rata mitigation payment pursuant to CAM 243 in the amount of \$288,917 to the City of Seattle.

During Construction

5. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
 - a. Stop work immediately and notify DPD (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
 - b. Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

DESIGN REVIEW - CONDITIONS OF APPROVAL

Prior to Issuance of a Master Use Permit

6. The MUP plans shall be modified to show artwork on the blank wall along the south façade (Republican Street), or that applicant shall provide a statement of intent and artwork concept to the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov), consistent with the Design Review Board recommended condition.
7. The MUP plans shall be modified to demonstrate additional pedestrian seating at the southwest corner of the site, consistent with the Design Review Board recommended condition.

Prior to Certificate of Occupancy

8. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).
9. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

For the Life of the Project

10. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

11. If the proposed nana-doors shown along the retail spaces along Westlake Ave North are eliminated due to the retail tenant build-out, then large, transparent glass windows shall be provided along with pedestrian seating, bike racks and/or other pedestrian amenities, consistent with the Design Review Board recommended condition.

Signature: (signature on file)
Shelley Bolser, AICP, LEED AP
Senior Land Use Planner
Department of Planning and Development

Date: January 28, 2013

SKB:ga

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